

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PHYLLIS BALL, et al.,

Plaintiffs,

v.

Civil Action 2:16-cv-282

Chief Judge Edmund A. Sargus, Jr.

Magistrate Judge Elizabeth P. Deavers

JOHN KASICH, et al.,

Defendants.

OPINION AND ORDER

This matter is before the Court for consideration of Plaintiffs' Motion to Include Supplemental Evidence and a Revised, Proposed Class Definition in Reply in Further Support of Plaintiffs' Motion for Class Certification. (ECF No. 276.) Defendants oppose Plaintiffs' request, which they point out was filed three days after Defendants filed their memoranda in opposition to Plaintiffs' Motion for Class Certification. (ECF Nos. 279, 280.)


While the Court agrees with Defendants that it would have required less resources for Defendants and the Court if Plaintiffs had moved to submit additional evidence and modify its class definition *prior* to Defendants filing their memoranda in opposition to Plaintiffs' Motion for Class Certification, the Court is still inclined to grant Plaintiffs' Motion. Plaintiffs have the right to file for class certification. Either the Court permits Plaintiffs to modify their current definition, or requires them to file a new motion for class certification. The Court finds the former option more appropriate.

Consequently, the Court **GRANTS** Plaintiffs' Motion (ECF No. 276), and shall permit them to include the new evidence and class modification in their reply brief that is due October

20, 2017. Defendants, Defendant Intervenors, and Guardian Intervenors shall be afforded the opportunity to file supplemental responses directed at Plaintiffs' supplemental evidence and modified class definition.

IT IS SO ORDERED.

9-19-2017
DATE


EDMUND A. SARGUS, JR.
CHIEF UNITED STATES DISTRICT JUDGE